

**FREEDOM COURT REPORTING**

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 NORTHERN DIVISION 4 5 RICARDO MATTHEWS, et al.,) 6 Plaintiffs, ) 7 vs. ) CASE NUMBER: 8 TOWN OF AUTAUGAVILLE, ) 2:06-CV-185-MHT 9 et al., ) 10 Defendants. ) 11 12 DEPOSITION OF DONNIE JEROME MARTIN 13 In accordance with Rule 5(d) of 14 The Alabama Rules of Civil Procedure, as 15 Amended, effective May 15, 1988, I, Cindy 16 Weldon, am hereby delivering to Jim 17 Debardeleben, the original transcript of the 18 oral testimony taken on the 20th day of 19 April, 2007, along with exhibits. 20 Please be advised that this is the 21 same and not retained by the Court Reporter, 22 nor filed with the Court. 23</p>	<p style="text-align: right;">Page 3</p> <p>1 AGREED that it shall not be necessary for 2 any objections to be made by counsel to any 3 questions, except as to form or leading 4 questions, and that counsel for the parties 5 may make objections and assign grounds at 6 the time of trial, or at the time said 7 deposition is offered in evidence, or prior 8 thereto. 9 IT IS FURTHER STIPULATED AND 10 AGREED that notice of filing of the 11 deposition by the Commissioner is waived. 12 13 14 15 16 17 18 19 20 21 22 23</p>
<p style="text-align: right;">Page 2</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 NORTHERN DIVISION 4 5 RICARDO MATTHEWS, et al.,) 6 Plaintiffs, ) 7 vs. ) CASE NUMBER: 8 ) 2:06-CV-185-MHT 9 TOWN OF AUTAUGAVILLE, ) 10 et al., ) 11 Defendants. ) 12 13 STIPULATION 14 IT IS STIPULATED AND AGREED, by 15 and between the parties through their 16 respective counsel, that the deposition of 17 DONNIE J. MARTIN, may be taken before Cindy 18 Weldon, Certified Shorthand Reporter, 19 Commissioner and Notary Public, at the 20 offices of Nix, Holtsford, 4001 Carmichael 21 Road, Montgomery, Alabama, on April the 22 20th, 2007 at 12:40 p.m. 23 IT IS FURTHER STIPULATED AND</p>	<p style="text-align: right;">Page 4</p> <p>1 A P P E A R A N C E S 2 3 FOR THE PLAINTIFF: 4 MR. JIM DEBARDELEBEN 5 DEBARDELEBEN, WESTRY 6 1505 MADISON AVENUE 7 MONTGOMERY, ALABAMA 36107 8 9 FOR THE DEFENDANT: 10 MR. RICK HOWARD 11 NIX, HOLTSFORD 12 4001 CARMICHAEL ROAD 13 MONTGOMERY, ALABAMA 36106 14 15 ALSO PRESENT: 16 MR. LEVAN JOHNSON 17 18 19 20 21 22 23</p>

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**PLAINTIFF'S  
EXHIBIT**

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<p>1 INDEX</p> <p>2</p> <p>3 EXAMINATION BY: PAGE</p> <p>4 MR. DEBARDELABEN 6</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 Q. And what's your driver's license</p> <p>2 number?</p> <p>3 A. I don't know off the top of my</p> <p>4 head.</p> <p>5 Q. Do you have a valid Alabama</p> <p>6 driver's license?</p> <p>7 A. Yes, sir.</p> <p>8 Q. How are you presently employed?</p> <p>9 A. With the City of Prattville.</p> <p>10 Q. And how long have you been</p> <p>11 employed with the City of Prattville?</p> <p>12 A. Going on two years.</p> <p>13 Q. What's your position there?</p> <p>14 A. I'm a traffic officer.</p> <p>15 Q. And prior to being employed with</p> <p>16 the City of Prattville, how were you</p> <p>17 employed?</p> <p>18 A. With the Town of Autaugaville.</p> <p>19 Q. And what was your position with</p> <p>20 the Town of Autaugaville?</p> <p>21 A. I was a police officer.</p> <p>22 Q. When did you go to work there?</p> <p>23 A. I don't know the exact date.</p>
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<p>1 DONNIE JEROME MARTIN,</p> <p>2 after first being duly sworn, testified</p> <p>3 as follows:</p> <p>4 EXAMINATION BY MR. DEBARDELABEN:</p> <p>5 THE COURT REPORTER: Usual</p> <p>6 stipulations?</p> <p>7 MR. DEBARDELABEN: Sure.</p> <p>8 MR. HOWARD: Sure.</p> <p>9 Q. Mr. Martin, this is a Federal</p> <p>10 deposition. You have the right to read and</p> <p>11 sign it or waive reading and signing it.</p> <p>12 You might want to talk to your lawyer.</p> <p>13 MR. HOWARD: We'll converse after</p> <p>14 it's over with.</p> <p>15 Q. Would you state your name,</p> <p>16 please.</p> <p>17 A. Donnie Jerome Martin.</p> <p>18 Q. And what's your present address?</p> <p>19 A. 1626 Martin Drive, Deatsville,</p> <p>20 Alabama 36022.</p> <p>21 Q. And what's your social security</p> <p>22 number?</p> <p>23 A. [REDACTED]</p>	<p>1 Q. Approximately.</p> <p>2 A. Approximately sometime in 2004.</p> <p>3 Q. 2004?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Prior to going to work as a</p> <p>6 full-time officer, did you work there as a</p> <p>7 reserve officer?</p> <p>8 A. Yes, sir, I did.</p> <p>9 Q. And how long did you do that?</p> <p>10 A. As far as I can remember, a couple</p> <p>11 of years.</p> <p>12 Q. I want to show you what's been</p> <p>13 apparently Bates stamped one, two and three</p> <p>14 and four. One, two, three and four, is this</p> <p>15 your application for employment with the</p> <p>16 Town of Autaugaville?</p> <p>17 A. Yes, sir. It appears to be.</p> <p>18 Q. And when is that, please, sir?</p> <p>19 A. The date on it is 3-31 of '04.</p> <p>20 Q. And is that when you went to work</p> <p>21 there, approximately in '04?</p> <p>22 A. Yes, sir, approximately.</p> <p>23 Q. Okay. I want to show you what's</p>

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<p style="text-align: right;">Page 9</p> <p>1 Bates stamped number five. Is that your 2 letter of resignation? 3 A. Yes, sir. 4 Q. When did you resign? 5 A. Let's see. 6-3-2005. 6 Q. And the time you were employed 7 there, were you a police officer? 8 A. Yes, sir. 9 Q. Where did you go through your 10 police officer training? 11 A. At the Tuscaloosa Police Academy. 12 Q. Is this your diploma from the 13 Tuscaloosa Police Academy? 14 A. Yes, sir. It's a copy of it, yes. 15 Q. Copy of it. When did you become 16 certified? 17 A. I graduated I think it was 18 November the 4th, 2004. 19 Q. 2004. So you worked from 20 approximately April of 2004 to November the 21 4th, 2004 before you were certified? 22 A. Before I graduated. 23 Q. Yes, sir. When did you become</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. Okay. Now, when you were going to 2 the academy, did you stay at the academy? 3 A. During the week. 4 Q. Okay. How did you go about 5 getting a job with the Autaugaville Police 6 Department? 7 A. I went in and applied. 8 Q. Who did you apply to? 9 A. With Chief Johnson. 10 Q. Who did you interview with? 11 A. Chief Johnson. 12 Q. Did you interview with anybody 13 else? 14 A. Not that I can remember. 15 Q. Prior to being certified by the -- 16 I'm going to call it APOSTC -- were you 17 involved in patrol operation for the purpose 18 of protection, prevention, suppression of 19 crime or the enforcement of traffic laws, 20 the highway laws? 21 A. Can you repeat that. 22 Q. Prior to you being certified by 23 APOSTC, were you involved in patrol</p>
<p style="text-align: right;">Page 10</p> <p>1 certified -- This is when you graduated -- 2 A. Right. 3 Q. -- as a law enforcement officer by 4 the Alabama Peace Officers Standards and 5 Training? 6 A. Pardon? 7 Q. Do you know when you became a 8 certified law enforcement officer by APOSTC? 9 A. The date of graduation. 10 Q. Okay. What were your duties with 11 the Town of Autaugaville in April of 2004? 12 A. I answered calls, worked traffic. 13 Q. Were you in a police car by 14 yourself? 15 A. Yes, sir. 16 Q. No one was riding with you? 17 A. No, sir. 18 Q. I'm talking about from April 2004 19 until November of 2004 until you graduated. 20 When did you go off to school, to training 21 school? 22 A. I don't remember the exact month. 23 It was -- The academy is three months.</p>	<p style="text-align: right;">Page 12</p> <p>1 operation for the purpose of detention, 2 prevention and suppression of crime or the 3 enforcement of the highway traffic laws? 4 A. Yes, sir. 5 Q. At that time when you were doing 6 that, did you have the power of arrest? 7 A. Yes, sir. 8 Q. Were you patrolling by vehicle or 9 on foot? 10 A. Vehicle. 11 Q. Okay. Under whose direct 12 supervision and control were you operating? 13 A. Chief Johnson. 14 Q. And where was Chief Johnson? 15 A. It just depends. I mean, 16 different places. 17 Q. Okay. What was your normal duty 18 hours? 19 A. That varied. 20 Q. Did you work 8:00 to 5:00 shifts 21 sometimes? 22 A. It's possible. I do not remember 23 my exact hours.</p>

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<p>1 Q. Did you ever work nighttime?</p> <p>2 A. Yes, sir, it's possible.</p> <p>3 Q. Okay. Did you ever -- Were you</p> <p>4 ever working when you were the only officer</p> <p>5 on duty for the Town of Autaugaville?</p> <p>6 A. I was the only officer in town,</p> <p>7 yes, sir.</p> <p>8 Q. Where was Chief Johnson when he</p> <p>9 was giving you direct supervision?</p> <p>10 A. I can't answer where he was at.</p> <p>11 Q. So you don't know where he was?</p> <p>12 A. No, sir.</p> <p>13 Q. How did you get direct supervision</p> <p>14 from him?</p> <p>15 A. I have a radio.</p> <p>16 Q. By radio?</p> <p>17 A. Yes.</p> <p>18 Q. Who informed you that it was</p> <p>19 proper for you to get direct supervision by</p> <p>20 radio?</p> <p>21 A. I was told by Chief Johnson to</p> <p>22 work those hours.</p> <p>23 Q. Okay. When were you certified --</p>	<p>1 time of year.</p> <p>2 Q. Was it while you were working with</p> <p>3 the Town of Autaugaville?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. When you went to work with</p> <p>6 the Town of Autaugaville in March or April</p> <p>7 of '04, what equipment were you given?</p> <p>8 A. As far as anything?</p> <p>9 Q. Yes, sir.</p> <p>10 A. I was given a side arm. I think I</p> <p>11 was given a baton, OC spray. I had a</p> <p>12 vehicle that was there at the police station</p> <p>13 that I used which was equipped with radar.</p> <p>14 Q. Were you given a firearm?</p> <p>15 A. Yes, sir.</p> <p>16 Q. What kind of firearm were you</p> <p>17 given?</p> <p>18 A. If I'm not mistaken, it was a</p> <p>19 Glock forty caliber.</p> <p>20 Q. Had you received training on the</p> <p>21 firearm?</p> <p>22 A. I got certified.</p> <p>23 Q. And how were you certified?</p>
Page 14	Page 16
<p>1 given a radar certification?</p> <p>2 A. I do not remember the exact date.</p> <p>3 Q. Was it prior to going to the</p> <p>4 Tuscaloosa Academy?</p> <p>5 A. I do not remember.</p> <p>6 Q. Okay. If you were given a radar</p> <p>7 certification, would it be in your personnel</p> <p>8 file?</p> <p>9 A. I don't deal with personnel files.</p> <p>10 I couldn't answer that.</p> <p>11 Q. Okay. Do you know who certified</p> <p>12 you?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Who certified you?</p> <p>15 A. Sergeant Pat Kawaszi (spelled</p> <p>16 phonetically) with the Prattville Police</p> <p>17 Department.</p> <p>18 Q. With the Prattville Police</p> <p>19 Department?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Where were you -- What time of the</p> <p>22 year was it that he certified you?</p> <p>23 A. I don't remember the exact year,</p>	<p>1 A. With the instructor.</p> <p>2 Q. Where was that?</p> <p>3 A. I don't remember the exact place.</p> <p>4 Q. You don't remember who certified</p> <p>5 you?</p> <p>6 A. No, sir.</p> <p>7 Q. Do you know when you were</p> <p>8 certified?</p> <p>9 A. I don't know the exact date.</p> <p>10 Q. Do you know if it was prior to</p> <p>11 going to work as a full-time officer?</p> <p>12 A. I don't recall the exact time.</p> <p>13 Q. So you don't know if you were</p> <p>14 certified as a firearms person prior to</p> <p>15 getting a firearm and wearing it on duty</p> <p>16 with the Town of Autaugaville?</p> <p>17 A. I don't remember the exact date I</p> <p>18 was qualified.</p> <p>19 Q. That's what I'm asking. Was it</p> <p>20 prior to you going to work as a full-time</p> <p>21 police officer with the Town of</p> <p>22 Autaugaville? I'm not asking the exact</p> <p>23 date.</p>

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<p style="text-align: right;">Page 17</p> <p>1 But were you certified in firearms 2 prior to going to work as a full-time police 3 officer for the Town of Autaugaville? 4 MR. HOWARD: You're asking him 5 when they hired him? The day he hired him, 6 was he certified? 7 MR. DEBARDELABEN: Yes. Was he 8 certified in firearms. 9 MR. HOWARD: Qualified? 10 MR. DEBARDELABEN: I don't know if 11 it's certified or qualified. 12 MR. HOWARD: Y'all are saying 13 qualified and you're saying certified. 14 MR. DEBARDELABEN: Okay. 15 Whatever. 16 MR. HOWARD: Just tell him if you 17 remember. 18 A. I don't remember. 19 Q. I want to show you what's Bates 20 stamped number four twenty. And it's a 21 traffic ticket. It's four twenty, four 22 twenty-one and twenty-two. Is that a 23 traffic ticket you wrote?</p>	<p style="text-align: right;">Page 19</p> <p>1 A. I do not remember. 2 Q. What time of day is that? 3 A. 11:58 a.m. 4 Q. So that's right before noon on -- 5 okay. Oh. Is that ticket verified? 6 MR. HOWARD: Do you know what the 7 legal definition of verified is? 8 Q. Where it says verified and 9 acknowledged before me, did you swear to 10 that ticket? 11 A. Yes, sir. 12 Q. Okay. Who was the magistrate? 13 A. Maybe Lynn Lively. 14 Q. Okay. And when was that ticket 15 sworn to? 16 A. 5-3-04 is what the date on this 17 ticket is. 18 Q. They issued the ticket on the 4th 19 -- the 30th and she verified it on May 3rd, 20 didn't she, of '04? 21 A. According to the ticket. 22 Q. Okay. And you can't -- you don't 23 know whether or not you were trained on</p>
<p style="text-align: right;">Page 18</p> <p>1 A. It's got my signature on it. 2 Q. Yes, sir. I mean, do you 3 recognize that as your traffic ticket? 4 A. Yes, sir. 5 Q. Okay. And I noticed the -- What's 6 the speed shown on that ticket? 7 A. Eighty-four. 8 Q. Can you tell me by looking at that 9 ticket and the speed if you did that by 10 radar or if that was a clock behind the car? 11 A. I can't tell you. 12 Q. Okay. Can you tell me -- What's 13 the date of that ticket? 14 A. 4-30 of '04. 15 Q. 4-30 of '04. Were you a certified 16 law enforcement officer by APOSTC at that 17 time? 18 A. As far as the APOSTC? 19 Q. Yes, sir. 20 A. No, sir. I hadn't graduated yet. 21 Q. Okay. When you were -- When you 22 gave that ticket, was there anybody else in 23 the vehicle with you?</p>	<p style="text-align: right;">Page 20</p> <p>1 radar at that point in time? 2 A. No, sir, I do not. 3 MR. HOWARD: Trained or 4 certified? 5 MR. DEBARDELABEN: Certified. 6 Q. I'm using training and certified 7 on radar, that doesn't change it. Is there 8 -- What do you call -- 9 MR. HOWARD: Then I'm going to 10 object to the form of all these questions. 11 Q. What do you call it when you get 12 radar training? Do you call it 13 certification or qualified? 14 A. You have training and 15 certification. 16 Q. Okay. You have training. Just 17 because you have training doesn't mean 18 you're certified, does it? 19 A. No, sir. 20 Q. Okay. Prior to going to work as a 21 full-time police officer, had you had any 22 kind of law enforcement training? 23 A. Yes, sir.</p>

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<p style="text-align: right;">Page 21</p> <p>1 <b>Q. What kind had you had?</b>  2 A. I was a reserve police officer for  3 the Town of Autaugaville.  4 <b>Q. What kind of law enforcement</b>  5 <b>training did that give you?</b>  6 A. I rode with other certified  7 officers doing patrol, answering calls, got  8 qualified on the firearm at that time. Had  9 applied -- or not applied, but went to other  10 training classes, just different training  11 classes.  12 <b>Q. Okay. Did you take any training</b>  13 <b>classes on radar?</b>  14 A. I don't recall.  15 <b>Q. Did you take any -- Had you had</b>  16 <b>any training classes prior to going to work</b>  17 <b>with Autauga County on DUI, driving under</b>  18 <b>the influence, recognizing that and how to</b>  19 <b>give the test, the field test?</b>  20 MR. HOWARD: Object to form. You  21 said Autauga County.  22 <b>Q. Autaugaville.</b>  23 A. I have been around it and showed</p>	<p style="text-align: right;">Page 23</p> <p>1 MR. HOWARD: Not if you've got it  2 already. You're looking for the date of his  3 certification in radar?  4 MR. DEBARDELABEN: In radar and  5 DUI. And I don't have any of that. I've  6 looked through --  7 MR. HOWARD: Is there even a --  8 The radar was 11 --  9 MR. DEBARDELABEN: Well, let's  10 see. We don't have that.  11 MR. HOWARD: I don't know if  12 there's a certification for field sobriety  13 test. If there is, it's on page forty-four.  14 <b>Q. You didn't get a field sobriety</b>  15 <b>test -- let's look at page forty-four --</b>  16 <b>until October, did you?</b>  17 A. That's what's on this paper here.  18 <b>Q. And you issued a DUI here to James</b>  19 <b>Wayne Puckett in April of '04, didn't you?</b>  20 A. That's what's on the paper.  21 <b>Q. Yes, sir. And you weren't given</b>  22 <b>sobriety training until October?</b>  23 A. I didn't get this certificate</p>
<p style="text-align: right;">Page 22</p> <p>1 how -- or things to look for.  2 <b>Q. Yes, sir.</b>  3 A. Indications.  4 <b>Q. Had you been given any training by</b>  5 <b>a class on how to give a field sobriety test</b>  6 <b>prior to becoming a law enforcement officer?</b>  7 A. No, sir.  8 <b>Q. Okay. How long after you went to</b>  9 <b>work with the Town of Autaugaville did you</b>  10 <b>get any training? I mean full-time.</b>  11 A. I do not recall.  12 <b>Q. Did you get it the first week?</b>  13 A. I do not recall. That was over  14 two years ago.  15 MR. DEBARDELABEN: I want to  16 continue his deposition. And I'm going to  17 get all of his records. And I will continue  18 him because he obviously has a memory  19 problem.  20 And, you know, we're going to have  21 to continue some more anyway. If not, once  22 I get his records, I'm going to have to go  23 back through here and do them all again.</p>	<p style="text-align: right;">Page 24</p> <p>1 until October the 6th, 2004.  2 <b>Q. And what does that certificate on</b>  3 <b>page forty-four show?</b>  4 A. It shows 10-6-2004, standard field  5 sobriety test certificate.  6 <b>Q. And when did you get your</b>  7 <b>breathalyzer certificate? That's page</b>  8 <b>forty-five, isn't it?</b>  9 A. It says September the 14th, 2004.  10 <b>Q. Okay. What did you do with the</b>  11 <b>copy of the ticket that's marked officer's</b>  12 <b>copy?</b>  13 A. It depends on what time you're  14 talking about.  15 <b>Q. When you were with the Town of</b>  16 <b>Autaugaville.</b>  17 A. It was -- I kept a copy of that.  18 <b>Q. You kept a copy?</b>  19 A. Yes, sir.  20 <b>Q. Did you take it home with you?</b>  21 A. Yes, sir.  22 <b>Q. You didn't leave it where you were</b>  23 <b>employed?</b></p>

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<p style="text-align: right;">Page 25</p> <p>1 A. No, sir.</p> <p>2 <b>Q. What do you do now with the Town</b></p> <p>3 <b>of -- with the City of Prattville?</b></p> <p>4 A. The City takes it. I don't know</p> <p>5 what they do with it. I'm assuming they</p> <p>6 file it. But, I mean, I don't have it with</p> <p>7 me.</p> <p>8 <b>Q. Do they have a procedure for you</b></p> <p>9 <b>to turn it in?</b></p> <p>10 A. We turn in our own tickets, yes,</p> <p>11 sir.</p> <p>12 <b>Q. But you didn't have that procedure</b></p> <p>13 <b>with the Town of Autaugaville?</b></p> <p>14 A. You turn -- Well, the Town of</p> <p>15 Autaugaville, you turned in the tickets and</p> <p>16 you kept the officer's copy.</p> <p>17 <b>Q. Are the only two places you've</b></p> <p>18 <b>been a police officer are the Town of</b></p> <p>19 <b>Autaugaville and the City of Prattville?</b></p> <p>20 A. Yes, sir.</p> <p>21 <b>Q. Okay. On this ticket here, 4-23</b></p> <p>22 <b>that you issued to Mr. Puckett, can you tell</b></p> <p>23 <b>me who did the -- apparently the</b></p>	<p style="text-align: right;">Page 27</p> <p>1 day?</p> <p>2 A. I was in the car by myself. I</p> <p>3 don't remember if anybody else was</p> <p>4 scheduled.</p> <p>5 <b>Q. Would you look at Bates stamp</b></p> <p>6 <b>number four twenty-five and four</b></p> <p>7 <b>twenty-six. Have you got it over there?</b></p> <p>8 A. Yes, sir.</p> <p>9 <b>Q. And that's apparently a ticket</b></p> <p>10 <b>issued to Veronica Lee Dean, is that true,</b></p> <p>11 <b>of 9:43 a.m. on the morning of May 14th,</b></p> <p>12 <b>'04?</b></p> <p>13 A. Yes, sir. That's what's on the</p> <p>14 paper.</p> <p>15 <b>Q. Okay. And it shows driving while</b></p> <p>16 <b>suspended. What did you pull her over for?</b></p> <p>17 A. I do not remember exactly what I</p> <p>18 pulled her over for.</p> <p>19 <b>Q. Okay. While I'm looking for this</b></p> <p>20 <b>other stuff, do you have any relatives that</b></p> <p>21 <b>live within a hundred miles of Montgomery?</b></p> <p>22 <b>And I'm not interested in Dallas</b></p> <p>23 <b>County. It's basically Chilton County south</b></p>
<p style="text-align: right;">Page 26</p> <p>1 <b>breathalyzer test, that there was a point oh</b></p> <p>2 <b>eight or more by way of alcohol in his or</b></p> <p>3 <b>her blood where it's checked down there?</b></p> <p>4 A. I see where that's at. No, sir, I</p> <p>5 can't tell you who did the test.</p> <p>6 <b>Q. Do you know if you did it or not?</b></p> <p>7 A. Not right off the top of my head.</p> <p>8 I don't remember.</p> <p>9 <b>Q. If you did, you wouldn't have been</b></p> <p>10 <b>qualified, would you?</b></p> <p>11 MR. HOWARD: Object to the form.</p> <p>12 A. The State of Alabama --</p> <p>13 <b>Q. Were you qualified at that point</b></p> <p>14 <b>in time -- I'm talking about April the 19th,</b></p> <p>15 <b>'04 -- to do a breathalyzer?</b></p> <p>16 MR. HOWARD: Object to the form.</p> <p>17 You can answer.</p> <p>18 A. I wasn't certified on the Draeger</p> <p>19 at that time.</p> <p>20 <b>Q. And what time of day or night was</b></p> <p>21 <b>that citation issued?</b></p> <p>22 A. 10:00 p.m.</p> <p>23 <b>Q. Were you working by yourself that</b></p>	<p style="text-align: right;">Page 28</p> <p>1 <b>and on the eastern side of the state.</b></p> <p>2 A. Yes, sir.</p> <p>3 <b>Q. Can you give me their names,</b></p> <p>4 <b>please. And I'm only interested if they are</b></p> <p>5 <b>nineteen years or older. I don't want any</b></p> <p>6 <b>children. By blood or marriage.</b></p> <p>7 A. Printiss Martin, Danny Martin,</p> <p>8 Patricia Martin, Dale Martin, Danny Martin,</p> <p>9 Pam Martin, Joyce Martin. I don't remember</p> <p>10 my uncle's wife's name.</p> <p>11 Edna Martin, Brian Dennis,</p> <p>12 Patricia Burnett, Lindsey Martin, Jamie</p> <p>13 Martin, Kelly Martin. That's all I can</p> <p>14 remember off the top of my head.</p> <p>15 <b>Q. Are you married?</b></p> <p>16 A. Yes, I am.</p> <p>17 <b>Q. What's your wife's name?</b></p> <p>18 A. Lindsey Martin.</p> <p>19 <b>Q. When you were working in Florida</b></p> <p>20 <b>as a law enforcement officer --</b></p> <p>21 MR. HOWARD: That's not him.</p> <p>22 MR. DEBARDELABEN: You're right.</p> <p>23 This is McCollum.</p>

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## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 29</p> <p>1 Q. Has anyone but Chief Johnson told 2 you it was okay for you to work by yourself 3 prior to you becoming a certified law 4 enforcement officer? 5 A. No, sir. 6 Q. Prior to you going to work, had 7 you been given any training on what to do if 8 a subject pulled a weapon on you? 9 A. Can you repeat? 10 Q. Yes, sir. Prior to you going to 11 work full-time as an Autaugaville police 12 officer, I'm going to say around the first 13 of April '04, had you received any training 14 on what to do if a subject pulled a weapon 15 on you? 16 A. Yes, sir. 17 Q. Where was that? 18 A. On-the-job training when I was a 19 reserve. 20 Q. And who gave you that training? 21 A. It was a prior chief, Chief 22 McMichael. 23 Q. Is that the only training you had</p>	<p style="text-align: right;">Page 31</p> <p>1 officer? 2 A. Yes, sir. 3 Q. Prior to being hired in April of 4 '04, going to work in April of '04 as a 5 full-time officer, did you have any training 6 on how you arrested people, placed handcuffs 7 on them? 8 A. Yes, sir. 9 Q. And what kind of training was 10 that? 11 A. It was demonstrated and showed by 12 Chief McMichael. 13 Q. Okay. And was that a ten-minute 14 course, two-week course or thirty-minute 15 course? 16 A. It wasn't a two-week course. But 17 how long, I could not tell you. 18 Q. How often after you became a 19 full-time officer with the Town of 20 Autaugaville did you have somebody riding in 21 the vehicle with you? 22 A. I don't remember exactly how often 23 somebody rode with me.</p>
<p style="text-align: right;">Page 30</p> <p>1 received, some on-the-job training from Jay 2 McMichael? 3 A. Yes, sir. 4 Q. How often did you track vehicles 5 by following them to get their speed? 6 A. I do not remember how often I did 7 that. 8 Q. Is that something you did with 9 regularity or frequency or did you mostly 10 rely on the radar? 11 A. I mean, I don't remember how often 12 I did either one of them. 13 Q. Okay. Were you issued a ticket 14 book when you went to work as a full-time 15 officer? 16 A. Yes, sir. 17 Q. What training had you had in 18 writing tickets? 19 A. As far as prior? 20 Q. Yes, sir. 21 A. When I was reserve. 22 Q. When you were reserve and you were 23 writing tickets, were you with a certified</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Okay. 2 A. I didn't keep a record of when 3 somebody rode with me everyday. 4 Q. Okay. Can you give me an estimate 5 or percentage of the time you'd have 6 somebody riding with you? 7 A. Probably maybe fifty, sixty 8 percent of the time. 9 Q. Fifty or sixty percent of the 10 time? 11 A. Yes, sir. 12 Q. Who would that be? 13 A. It would be a reserve. 14 Q. A reserve? 15 A. Yes, sir. 16 Q. Let me ask it this way. After you 17 became a full-time officer with the Town of 18 Autaugaville up until you got your post 19 certification, how often did you have a 20 certified law enforcement officer riding 21 with you percentage-wise, if you can tell 22 me? 23 A. None that I can remember.</p>

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## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 33</p> <p>1 Q. Okay. At any time during that 2 period of time, did you have a reserve 3 officer riding with you? 4 A. No, sir. 5 Q. Okay. When you go through the 6 Alabama Peace Officers -- When you go 7 through the school -- When you went through 8 the school in Tuscaloosa, did you receive 9 any training on radar equipment? 10 A. No, sir. 11 Q. Okay. While you were acting as a 12 reserve officer, did you receive any 13 training on the radar equipment? 14 A. Other than -- not other than being 15 shown how to use it. 16 Q. And who showed you how to use it? 17 A. The certified officers. One was 18 Chief McMichael, Jim Watts, Kevin McNabb. 19 Q. Okay. After you became a 20 full-time officer, did you receive any 21 training on radar equipment prior to going 22 to APOSTC school? 23 A. I don't recall. I don't know</p>	<p style="text-align: right;">Page 35</p> <p>1 you did not have -- that you had not been 2 certified for competency on operating radar 3 equipment? 4 A. Not to my knowledge. 5 Q. Did you ever -- Were you ever 6 asked that to your knowledge in court? 7 A. No, sir. Not to my knowledge. 8 Q. Okay. When you stopped anybody 9 for speeding, did anybody say I wasn't going 10 that fast? 11 A. I don't remember exactly what 12 everybody said. 13 Q. People make up a lot of different 14 excuses, don't they? 15 A. Yes. 16 Q. Do you have a judgment or an 17 opinion of what percentage of your speeding 18 tickets that you issued were issued by radar 19 as opposed to tracking somebody from behind? 20 A. No, sir, I do not. 21 Q. Do you know if the police vehicle 22 you were driving had a calibrated 23 speedometer?</p>
<p style="text-align: right;">Page 34</p> <p>1 exactly. 2 Q. What I show here, I don't -- or 3 what I've been provided with is that on 4 February the 25th, 2005, you got a 5 certificate of completion of competency for 6 Donnie Martin on Doppler radar equipment. 7 Does that ring a bell with you? 8 A. That's -- That's the date that I 9 was certified with Sergeant Kawaszi. 10 Q. Okay. Now, prior to that time, 11 had you had any type of certification or 12 competency on radar operation? That's 13 February 25th, 2005. 14 A. Not from the date that I was -- 15 that I can remember from the date that I was 16 hired on full-time. 17 Q. Now, prior to that time, did you 18 use radar -- and that time is February 25th, 19 2005 -- to issue people speeding tickets? 20 A. Yes, sir. 21 Q. Who told you to do that? 22 A. Chief Johnson. 23 Q. So did you ever tell anyone that</p>	<p style="text-align: right;">Page 36</p> <p>1 A. No, sir, I do not. 2 Q. Did you ever use the speedometer 3 to issue tickets to someone, you know, track 4 them from behind? 5 A. Speedometer alone, no, sir. 6 Q. What else did you use? 7 A. Combination of the speedometer and 8 radar. 9 Q. Okay. So every ticket that you 10 issued as it relates to speed was either 11 radar or a combination of speedometer and 12 radar? 13 A. Yes, sir. 14 Q. So every ticket you issued, radar 15 was involved in it? 16 A. Yes, sir. 17 Q. And you were not -- I think here 18 it is -- certified to do radar until 19 February the 25th, '05, were you? 20 A. That's the date this was issued by 21 Sergeant Kawaszi. 22 Q. Yes, sir. And I use the word 23 certification. I think this says</p>

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<p style="text-align: right;">Page 37</p> <p>1 certificate of completion and competency, 2 Doppler radar equipment? 3 A. Correct. 4 Q. Excuse me. Doppler radar 5 operation. And prior to this date that the 6 sergeant issued this to you, you had no 7 certificate of competency and completion of 8 any type of radar equipment, did you? 9 A. No, sir. 10 Q. So when we look at this speeding 11 ticket here issued to Ms. Cynthia Cybill 12 Montgomery apparently on June 13th of '04 of 13 seventy-one in a fifty-five, it's number 14 four fifty-one, that was a -- that was 15 either by radar or a combination of radar 16 and tracking them with an automobile, wasn't 17 it? 18 A. Yes, sir. 19 Q. And she was going seventy -- And 20 you state she was going seventy-one in a 21 fifty-five mile an hour zone? 22 A. Yes, sir. 23 Q. But at that point in time, you</p>	<p style="text-align: right;">Page 39</p> <p>1 tickets were you certified to do that? 2 A. To that point. 3 Q. Yes, sir. 4 A. I had completed that class. 5 Q. Yes, sir. As you're headed out of 6 Autaugaville toward Prattville, where does 7 the police jurisdiction end, going up 14? 8 A. Coming into Prattville? 9 MR. HOWARD: Jurisdiction of 10 Prattville or the jurisdiction -- 11 MR. DEBARDELABEN: No. The 12 jurisdiction of the Town of Autaugaville. 13 A. I do not remember the exact road 14 name. 15 Q. Is it before you go up what I've 16 always heard referred to as Autaugaville 17 Hill? 18 A. Yes. 19 Q. Is it before you go through the 20 swamp? 21 A. Yes, sir. 22 Q. So isn't it three miles outside 23 the city limit sign?</p>
<p style="text-align: right;">Page 38</p> <p>1 didn't have a certificate of completion and 2 competency to issue -- to use radar, did 3 you? 4 A. No, sir. 5 Q. And who directed you to use radar? 6 A. Chief Johnson. 7 Q. Okay. Can we say without going 8 through all the tickets -- and this might 9 speed it up a great deal -- that until 10 February the 25th, '05, you were not 11 certified -- you had no certificate of 12 completion and competency to use radar in 13 issuing a ticket? 14 A. Yes, sir. 15 Q. A speeding ticket? 16 A. Yes, sir. 17 Q. And all the speeding tickets you 18 issued from approximately April of '04 19 through February of '05 was either by radar 20 alone or a combination of radar and tracking 21 by automobile? 22 A. Yes, sir. 23 Q. Okay. And in none of those</p>	<p style="text-align: right;">Page 40</p> <p>1 A. I couldn't answer that exactly. 2 Q. And the city limit sign is right 3 on the other side of Mayor Jackson's house, 4 isn't it? When I say -- excuse me -- on the 5 side towards Prattville from Mayor Jackson's 6 house. 7 A. I don't know exactly where the 8 sign is. It's in that area. 9 Q. Well, how did you know when you 10 got outside the police jurisdiction of the 11 Town of Autaugaville? 12 A. There was a sign. 13 Q. There was a sign? 14 A. Yes, sir. 15 Q. As I understand it -- What's the 16 name of that swamp? 17 A. Bear Creek Swamp. 18 Q. Was it before you got to Bear 19 Creek Swamp? 20 A. Headed toward Prattville, yes, 21 sir. 22 Q. Did you ever issue anyone a ticket 23 outside the jurisdiction of Autaugaville</p>

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<p style="text-align: right;">Page 41</p> <p>1 while you were employed with the Town of 2 Autaugaville Police Department? 3 A. Can you clarify as far as stopping 4 them out there and writing a citation? 5 Q. I want to know both. Did you stop 6 them out there and write them a citation? 7 A. Yes, I did. 8 Q. But you always had to catch them 9 -- they had to be violating the speed 10 within the jurisdiction? 11 A. Correct. 12 Q. Did you ever write anybody a 13 ticket that you determined was exceeding the 14 speed limit while they were outside the 15 jurisdiction of the Town of Autaugaville? 16 A. No, sir. 17 Q. And what is the furthest outside 18 the jurisdiction that you'd have to stop 19 somebody to write them a ticket? 20 MR. HOWARD: While you were 21 working -- 22 Q. While you were working at 23 Autaugaville. I'm not interested in</p>	<p style="text-align: right;">Page 43</p> <p>1 reserve? 2 A. I would ride with a certified 3 officer, assist him on calls, assist him on 4 arrests, assist him on traffic stops, assist 5 him doing paperwork. 6 Q. Were you aware when you made the 7 determination to go into law enforcement, 8 that before you could be a certified 9 officer, you had to go through an academy 10 and get certified by APOSTC? 11 A. Yes, sir. 12 Q. How long had you been aware of 13 that? 14 A. When I got -- When I went as a 15 reserve because I checked into going to the 16 academy. 17 Q. Did you ever know Chief McMichael 18 letting somebody patrol alone that wasn't a 19 certified officer? 20 A. Yes, sir. 21 Q. Who was that? 22 A. Kevin McNabb. 23 Q. He let Kevin McNabb patrol by</p>
<p style="text-align: right;">Page 42</p> <p>1 Prattville. 2 A. I'm trying to -- Right past -- I 3 don't know exactly how far -- but right past 4 Bear Creek Swamp. 5 Q. And you told me this. When did 6 you leave -- 7 A. My last day with Autaugaville -- 8 Q. Yes. 9 A. -- was June the 17th of 2005. That 10 was my last day. 11 Q. So you only had approximately five 12 months to write tickets for Autaugaville 13 after you became certified on Doppler radar 14 operation? 15 A. From that date, yes, sir. 16 Q. How long did you work as a reserve 17 police officer? 18 A. Approximately from 2001. Sometime 19 in 2001, I believe. 20 Q. And how often did you work as a 21 reserve? 22 A. Quite regularly. 23 Q. And what would you do as a</p>	<p style="text-align: right;">Page 44</p> <p>1 himself before they got him certified? 2 A. Yes, sir. 3 Q. And how long did he do that? 4 A. I don't know exactly how long. 5 Q. Did you ride with Kevin McNabb? 6 A. I had rode with Kevin McNabb, yes, 7 sir. 8 Q. Prior to him being certified? 9 A. I don't know the exact date he was 10 certified. But I rode with him. 11 Q. How many full time officers did 12 the City of -- excuse me -- the Town of 13 Autaugaville have at that time, if you 14 remember? 15 A. At the time of -- which time? 16 Q. With McMichael being the chief and 17 McNabb patrolling before he was certified. 18 A. Three including him, full-time 19 officers. 20 Q. And that being McMichael, McNabb 21 and who else? 22 A. Jim -- my brain just went blank. 23 Q. You're not that old.</p>

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<p style="text-align: right;">Page 45</p> <p>1 A. No.</p> <p>2 MR. HOWARD: Don't worry about</p> <p>3 it. If you don't know it, just --</p> <p>4 A. Watts. Jim Watts. I stated it a</p> <p>5 while ago.</p> <p>6 Q. And approximately when was that?</p> <p>7 A. At the time they were --</p> <p>8 Q. Yes. I mean, what time, 2001, 2</p> <p>9 or 3?</p> <p>10 A. Yes, sir. In that time frame that</p> <p>11 they were all three employed.</p> <p>12 Q. How did you know -- How are you</p> <p>13 aware that McNabb was patrolling prior to</p> <p>14 him being certified?</p> <p>15 A. He was hired on full-time when I</p> <p>16 was a reserve there.</p> <p>17 Q. And do you know when he went to</p> <p>18 school?</p> <p>19 A. I don't know the exact months.</p> <p>20 Q. Did you ever -- But you never rode</p> <p>21 with him, did you, while he was -- before he</p> <p>22 was certified?</p> <p>23 A. Before graduating, yes, sir.</p>	<p style="text-align: right;">Page 47</p> <p>1 Q. Okay. Officer, did you ever just</p> <p>2 stop people to check and see if they had a</p> <p>3 driver's license?</p> <p>4 A. No, sir.</p> <p>5 Q. You can't just stop somebody if</p> <p>6 you want to check their license, can you?</p> <p>7 A. Not running down the road, no,</p> <p>8 sir.</p> <p>9 Q. I want to show you Bates mark five</p> <p>10 eighty-four on Mr. Jeminez. What's the date</p> <p>11 of that ticket?</p> <p>12 A. 7-10 of 2004.</p> <p>13 Q. Can you tell me why he was stopped</p> <p>14 by looking at that ticket?</p> <p>15 A. No, sir.</p> <p>16 Q. Does he have a companion case? Is</p> <p>17 it checked?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. Because I don't have the</p> <p>20 companion case. That's why I was</p> <p>21 wondering. So you don't -- And he was just</p> <p>22 charged with driving without first obtaining</p> <p>23 a license.</p>
<p style="text-align: right;">Page 46</p> <p>1 Q. Okay. You did ride with him?</p> <p>2 A. Yes, sir.</p> <p>3 Q. I had asked you that a while ago</p> <p>4 and I thought you said no.</p> <p>5 A. Before he graduated, yes, sir.</p> <p>6 Q. Okay. And how many times?</p> <p>7 A. I don't recall.</p> <p>8 Q. While you were working there, were</p> <p>9 you ever encouraged to write more tickets,</p> <p>10 speeding tickets?</p> <p>11 A. Not that I recall. I mean, I</p> <p>12 don't recall.</p> <p>13 Q. Were you ever told that we're not</p> <p>14 writing enough tickets, words or words to</p> <p>15 that effect?</p> <p>16 A. I don't recall. I mean, it's been</p> <p>17 two years ago. I don't remember exactly</p> <p>18 everything that was said.</p> <p>19 Q. Okay. You just don't remember one</p> <p>20 way or the other?</p> <p>21 A. I don't remember if they said</p> <p>22 write more tickets or don't write more</p> <p>23 tickets.</p>	<p style="text-align: right;">Page 48</p> <p>1 Now, when you've got traffic</p> <p>2 circled, what does that mean by the</p> <p>3 companion case? That's 70661 or something</p> <p>4 like that.</p> <p>5 MR. HOWARD: Five eighty-four?</p> <p>6 MR. DEBARDELABEN: Yes.</p> <p>7 A. Can you repeat the question? I'm</p> <p>8 sorry.</p> <p>9 Q. When it's checked down here</p> <p>10 companion case, you have traffic circled.</p> <p>11 What does that mean?</p> <p>12 A. That means there's another traffic</p> <p>13 ticket.</p> <p>14 Q. Another traffic ticket?</p> <p>15 A. Yes, sir.</p> <p>16 Q. It should be issued the same day</p> <p>17 of 7-10-04, shouldn't it?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And it should be pretty near that</p> <p>20 same ticket number, shouldn't it?</p> <p>21 A. Yes, sir.</p> <p>22 Q. It should be the one before or</p> <p>23 after it. It should be a 660 or 662,</p>

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<p style="text-align: right;">Page 49</p> <p>1 shouldn't it?</p> <p>2 A. Something, yes, sir.</p> <p>3 Q. Yes, sir. And no matter what</p> <p>4 happened to the ticket, you should still --</p> <p>5 there should still be a record of that?</p> <p>6 A. Should be, yes, sir.</p> <p>7 Q. So with the Town of Autaugaville</p> <p>8 tickets, you still have those in your</p> <p>9 possession?</p> <p>10 MR. HOWARD: If you'll look at</p> <p>11 652.</p> <p>12 Q. Here we go.</p> <p>13 MR. HOWARD: I think that's the</p> <p>14 name.</p> <p>15 A. Jiminez Stavo (spelled</p> <p>16 phonetically).</p> <p>17 MR. DEBARDELABEN: What number?</p> <p>18 MR. HOWARD: 662. I'm sorry.</p> <p>19 It's 652, Bates stamp number. The ticket</p> <p>20 number is 662.</p> <p>21 Q. So you stopped Mr. --</p> <p>22 MR. DEBARDELABEN: You said Bates</p> <p>23 stamp 662?</p>	<p style="text-align: right;">Page 51</p> <p>1 A. Yes, sir.</p> <p>2 Q. Before you get it? So you can't</p> <p>3 -- Would you have any notes any place that</p> <p>4 tells me why you stopped Mr. Jiminez?</p> <p>5 A. No, sir.</p> <p>6 Q. That wouldn't be on your ticket?</p> <p>7 A. I don't know if it's on the ticket</p> <p>8 or not. It's not on this right here.</p> <p>9 Q. Well, I'm talking about on your</p> <p>10 personal tickets that you kept after you</p> <p>11 left the Town of Autaugaville.</p> <p>12 A. It's not always on the ticket, no,</p> <p>13 sir.</p> <p>14 Q. So if I -- There's no way you can</p> <p>15 tell me as you look at this ticket what was</p> <p>16 your probable cause you had of stopping Mr.</p> <p>17 Castabo Jiminez?</p> <p>18 A. No, sir.</p> <p>19 Q. And issuing him two tickets?</p> <p>20 A. No, sir.</p> <p>21 Q. The ticket I have, 652 --</p> <p>22 MR. HOWARD: Bates stamped 652.</p> <p>23 Q. My ticket does not show that that</p>
<p style="text-align: right;">Page 50</p> <p>1 A. 652. The ticket number is 662.</p> <p>2 Q. You stopped Mr. Jiminez for --</p> <p>3 that's no insurance?</p> <p>4 A. Correct.</p> <p>5 Q. For no insurance. And you'd have</p> <p>6 to have a reason -- You just can't stop to</p> <p>7 check for that, can you?</p> <p>8 A. Correct.</p> <p>9 Q. So there had to be another traffic</p> <p>10 offense?</p> <p>11 A. Correct.</p> <p>12 Q. And it should be around 661 or --</p> <p>13 well, 660 or 663, shouldn't it?</p> <p>14 A. Not necessarily.</p> <p>15 MR. HOWARD: No, that's not right.</p> <p>16 You just have to have arguable probable</p> <p>17 cause to stop somebody.</p> <p>18 Q. Now, traffic -- you said companion</p> <p>19 case traffic. What does that mean?</p> <p>20 A. It means another ticket was</p> <p>21 issued.</p> <p>22 Q. Is driving without a license a</p> <p>23 traffic case?</p>	<p style="text-align: right;">Page 52</p> <p>1 one was ever sworn to. Is that correct,</p> <p>2 that that wasn't sworn to before a</p> <p>3 magistrate?</p> <p>4 A. That's what this is showing.</p> <p>5 Q. And it says something you can't</p> <p>6 read. Something to file at the back of it.</p> <p>7 Do you know what that says? It looks like</p> <p>8 7, September '04 it was written. If you'll</p> <p>9 look at the back. Can you tell me what that</p> <p>10 says on the back of it?</p> <p>11 A. No, sir, I cannot. I can't read</p> <p>12 this handwriting.</p> <p>13 Q. I understand.</p> <p>14 MR. DEBARDELABEN: I thought it</p> <p>15 might refresh his memory in looking at it.</p> <p>16 MR. HOWARD: It looks like he</p> <p>17 continued the case until he proved he had</p> <p>18 insurance and he did.</p> <p>19 Q. Was that ticket issued on the day</p> <p>20 he was stopped?</p> <p>21 A. Yes, sir.</p> <p>22 Q. How do y'all go about getting</p> <p>23 tickets verified?</p>

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<p style="text-align: right;">Page 53</p> <p>1 A. There or here now?</p> <p>2 <b>Q. In Autaugaville.</b></p> <p>3 A. In Autaugaville. We would take --</p> <p>4 And once we wrote a ticket, then when we</p> <p>5 would come in the next day and see if -- if</p> <p>6 we worked night shift, the magistrate wasn't</p> <p>7 in. So when we came in the next day, we</p> <p>8 would swear to them to her.</p> <p>9 <b>Q. Okay. And she would verify it?</b></p> <p>10 A. Yes, sir.</p> <p>11 <b>Q. Is there a procedure to turn all</b></p> <p>12 <b>the tickets in to the magistrate?</b></p> <p>13 A. We had a tray that we put them in</p> <p>14 at the end of our shift.</p> <p>15 <b>Q. Okay. And she'd just come by and</b></p> <p>16 <b>verify?</b></p> <p>17 A. When we came in the next day, we</p> <p>18 would -- that's when we would get up with</p> <p>19 her.</p> <p>20 <b>Q. And get them verified?</b></p> <p>21 A. Right.</p> <p>22 <b>Q. Can you explain -- Do you have any</b></p> <p>23 <b>idea why that one wasn't verified?</b></p>	<p style="text-align: right;">Page 55</p> <p>1 <b>Q. How did you do that?</b></p> <p>2 A. With tuning forks.</p> <p>3 <b>Q. With tuning forks?</b></p> <p>4 A. Yes, sir.</p> <p>5 <b>Q. And your checking and calibration</b></p> <p>6 <b>is only as good as they taught you?</b></p> <p>7 A. Yes, sir.</p> <p>8 <b>Q. Do you know if any of them were</b></p> <p>9 <b>certified to teach?</b></p> <p>10 A. I'm not -- No, I don't know.</p> <p>11 <b>Q. But you didn't get a certification</b></p> <p>12 <b>from them, did you?</b></p> <p>13 A. No, sir.</p> <p>14 MR. DEBARDELABEN: That's it.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p style="text-align: right;">Page 54</p> <p>1 A. No, sir.</p> <p>2 <b>Q. Where is County Road 21?</b></p> <p>3 A. North or south?</p> <p>4 <b>Q. South.</b></p> <p>5 A. One part of it -- One part of 21</p> <p>6 is north, which is beside the Mayor's</p> <p>7 house. Then just a little bit up the road,</p> <p>8 21 picks back up on the right side and goes</p> <p>9 out.</p> <p>10 <b>Q. How often did you calibrate the</b></p> <p>11 <b>radar equipment from April to November when</b></p> <p>12 <b>you were using it?</b></p> <p>13 A. Before and after every stop.</p> <p>14 <b>Q. How did you know how to calibrate</b></p> <p>15 <b>it if you were not certified on it?</b></p> <p>16 A. I was shown by Chief McMichael</p> <p>17 before I went there full-time. When I was a</p> <p>18 reserve, by Officer McNabb and Officer</p> <p>19 Watts.</p> <p>20 <b>Q. Did you ever check -- Did you</b></p> <p>21 <b>check the calibration after each stop after</b></p> <p>22 <b>you used it each time?</b></p> <p>23 A. Yes, sir.</p>	<p style="text-align: right;">Page 56</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF ALABAMA )</p> <p>4 MONTGOMERY COUNTY)</p> <p>5</p> <p>6 I hereby certify that the above</p> <p>7 and foregoing deposition was taken down by</p> <p>8 me in stenotype, and the questions and</p> <p>9 answers thereto were transcribed by means of</p> <p>10 computer-aided transcription, and that the</p> <p>11 foregoing represents a true and correct</p> <p>12 transcript of the testimony given by said</p> <p>13 witness upon said hearing.</p> <p>14 I further certify that I am</p> <p>15 neither of counsel, nor of kin to the</p> <p>16 parties to the action, nor am I in any wise</p> <p>17 interested in the result of said cause.</p> <p>18</p> <p>19</p> <p>20 -----</p> <p>21 CINDY WELDON</p> <p>22</p> <p>23</p>

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